

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADA YEAGER, an individual,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal
corporation,

Defendant.

Case No.: 2:20-cv-01813

[PLAINTIFF'S PROPOSED]
**ORDER OF THE COURT RESTRAINING
DEFENDANT FROM EVICTING
PROTEST ENCAMPMENT**

ORDER OF THE COURT

Having considered Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction and any responses thereto, the Court hereby FINDS and ORDERS:

1. Since summer 2020, Plaintiff has resided at the protest encampment in Cal Anderson, a public park located in Seattle.
2. Plaintiff has participated in and values expressive activities at the park that are critical of Defendant.
3. On December 14, Defendant posted Exhibit 1 in the park. Exhibit 1 purports to "order" Plaintiff and all similarly-situated persons to remove all personal property, including her home, from the park or be subject to forcible removal on or after December 16, 2020 at 7:30 a.m.
4. Defendant has forcibly removed Plaintiff and her property from the park in the past.

5. Past forcible removals of Plaintiff from the park have caused Plaintiff to lose personal property, chilled Plaintiff's freedom of speech and assembly, and disrupted Plaintiff's access to shelter, food, and other survival needs.
6. Plaintiff reasonably fears that forcible removal from the park on or after December 16, 2020 will cause her to suffer further irreparable harm.
7. Plaintiff is likely to suffer irreparable harm to her constitutional right to freedom of speech by the chilling of that right should she and her belongings be forcibly removed from Cal Anderson park pursuant to Exhibit 1.
8. Plaintiff is likely to suffer irreparable harm to her constitutional right to freedom from unreasonable searches and seizures should she and her belongings be forcibly removed from Cal Anderson park pursuant to Exhibit 1.
9. Plaintiff is likely to suffer irreparable harm to her constitutional right to due process of law should she and her belongings be forcibly removed from Cal Anderson park pursuant to Exhibit 1.
10. Plaintiff is likely to suffer irreparable harm to her constitutional right to freedom takings without just compensation should she and her belongings be forcibly removed from Cal Anderson park pursuant to Exhibit 1.
11. Plaintiff is likely to succeed on the merits of her claims because Defendant's discretion in deciding when, where, and why to forcibly evict encampments is overbroad and not subject to content-neutral standards.
12. Plaintiff is likely to succeed on the merits of her claims because Exhibit 1 provides for no process to dispute, review, or appeal Defendant's action.
13. The balance of equities and the public interest tip in Plaintiff's favor because the constitutional rights at stake are fundamental, because a Temporary Restraining Order will not significantly burden Defendants, and because the public has an interest in the vindication of constitutional rights;

1 14. THEREFORE, Defendants are restrained from taking any action to enforce Exhibit 1
2 against Plaintiff until further Order of this Court.

3 15. _____
4 _____
5 _____
6 _____
7 _____

8 Dated this 16th day of December, 2020.

9
10 _____
HONORABLE UNITED STATES DISTRICT JUDGE

11 PRESENTED BY:
12 MAZZONE LAW FIRM, PLLC
Attorney for Plaintiff
13 By: s/Braden Pence
Braden Pence, WSBA #43495
14 bradenp@mazzonelaw.com
3002 Colby Ave., Ste. 302
15 Everett, WA 98201
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I hereby certify that on the December 16, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) and persons of record. I hereby certify that I have served all non CM/ECF participants via United States Postal Service.

s/ Elizabeth Crafton

Elizabeth Crafton
Paralegal
Mazzone Law Firm, PLLC
3002 Colby Avenue, Suite 302
Everett, WA 98201
425-259-4989 (voice)
425-259-5994 (fax)
lizc@mazzonelaw.com

EXHIBIT 1

DATE of NOTICE 12/16/20



City of Seattle

NOTICE/AVISO

ORDER TO REMOVE ALL PERSONAL PROPERTY ORDEN DE RETIRAR TODOS LOS BIENES PERSONALES

AS OF/ DESDE	TIME/ HORA	LOCATION/ UBICACIÓN
12/16/20	7:30 am	Cal Anderson Park

Materials in this area are an obstruction of the intended use of this property, are in a hazardous location or present a hazard. This is not an authorized area for storage or shelter. Any materials left here will be removed by the City on or after the date and time posted above, and belongings found by the City and authorized for storage will be kept for 70 days at no charge. / Los materiales en esta zona son un obstáculo para el uso previsto de esta propiedad, están en un lugar peligroso o representan un peligro. Esta no es una zona autorizada para almacenamiento o refugio. A partir de la fecha y hora publicadas anteriormente, cualquier material que se deje aquí será retirado por la Ciudad, y las pertenencias encontradas por la Ciudad y autorizadas para el almacenamiento se guardarán durante 70 días sin costo alguno.

TO RECOVER OR ASK ABOUT STORAGE
OF BELONGINGS CALL: / PARA
RECUPERAR SUS PERTENENCIAS, LLAME
AL:

206-459-9949

The City will deliver stored belongings to you. Belongings are stored at: 3807 2nd Ave S / La Ciudad le entregará las pertenencias almacenadas. Las pertenencias se almacenan en: 3807 2nd Ave S.

FOR OUTREACH AND HOUSING SUPPORT CALL:

para asistencia sobre contactos con la comunidad y sobre la vivienda, llame al:

211 or 206-461-3222